

**DECLARATION AND POWER OF ATTORNEY FOR PATENT  
APPLICATION**

(Patent, Design or CIP Application)

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Method and Composition for Treating Mammalian Nasal and Sinus Diseases  
Caused By Inflammatory Response**

the specification of which:

(check one)

  X   is attached hereto.

       was filed on as

Application Serial No.

and was amended on \_\_\_\_\_  
(if applicable)

       was described and claimed in  
International Appln. No. \_\_\_\_\_,  
filed on \_\_\_\_\_,  
and was amended on \_\_\_\_\_  
(if applicable)

**CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. SECTION 1.8**

I hereby certify that this correspondence and the documents referred to as enclosed are being deposited, pursuant to 37 C.F.R. Section 1.8, with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on this 18 of May, 2001.

By Richard R. Muccino  
Richard R. Muccino date  
Reg. No. 32,538

09846722-050101

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Application(s)**

Application Number	Country	Filing Date	Priority Claimed

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application Serial No.	Filing Date	Status (Patented, Pending, Abandoned)
09/348,698	7 July 1999	Pending
09/312,168	14 May 1999	Pending

09348698 - 050101

Full name of first Inventor Stanley E. Katz

Residence and mailing address 369 Riva Avenue  
Milltown, New Jersey 08850

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Country of Citizenship United States of America

---

Full name of  
second Inventor

Alain Martin

Inventor's signature

Date

Residence and  
Mailing Address

31 Country Club Road  
Ringoes  
New Jersey 08551

Country of  
Citizenship

United States of America

---

**Title 37, Code of Federal Regulations, Section 1.56(a)**

A duty of candor and good faith toward the Patent and Trademark Office rests on the inventor, on each attorney or agent who prepares or prosecutes the application and on every other individual who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application. All such individuals have a duty to disclose to the Office information they are aware of which is material to the examination of the application. Such information is material where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent. The duty is commensurate with the degree of involvement in the preparation or prosecution of the application.

09846722-050101

1 May 2001

Page 4

5. **DECLARATION AND POWER OF ATTORNEY**

☒ Enclosed.

Executed by

☐ Inventor(s).

☐ Legal Representatives of inventor(s). 37 C.F.R. 1.42 or 1.43.

☐ Joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

☐ this is the petition required by 37 C.F.R. Section 1.47 and the statement required by 37 C.F.R. Section 1.47 is also attached.

☐ Unexecuted.

☐ This application is made by a person authorized under 37 C.F.R. Section 1.41(c) on behalf of all of the above-named inventors. The declaration or oath and Power of Attorney, along with the surcharge required by 37 C.F.R. Section 1.16(e) can be filed subsequently.

☐ Showing that the filing is authorized.

6. **INVENTORSHIP STATEMENT**

The inventorship for all the claims in this application are:

☒ The same.

☐ Are not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,

☐ is submitted.

☐ will be submitted.

7. **Language**

☒ English.

☐ Non-English.

☐ The attached translation is a verified translation.  
37 C.F.R. Section 1.52(d).

8. **ASSIGNMENT**

☒ An assignment of the invention to:

Cellular Sciences, Inc., a corporation duly organized and existing under the laws of the State of New Jersey and having a mailing address at P.O. Box 968, Flemington, New Jersey 08822.

☐ Is enclosed (stapled to a copy of this letter).

☒ Will follow.

09846722-050101

**9. CERTIFIED COPY**

Certified copy(ies) of application(s)

(country) (appln. no.) (filed)

(country) (appln. no.) (filed)

(country) (appln. no.) (filed)

from which priority is claimed under 35 U.S.C. 119

\_\_\_\_\_ is(are) attached.  
\_\_\_\_\_ will follow.

**10. FILING FEE CALCULATION**

A.   X   REGULAR APPLICATION.

Claims as filed				
	Number Filed	Number Extra	Rate	Fee
Basic Fee				\$ 710.00
Total Claims	30	-20 = <u>  10  </u> x	\$18.00 =	\$ 180.00
Independent Claims	3	- 3 = <u>  0  </u> x	\$78.00 =	\$
Multiple dependent claim(s), if any			\$270.00 =	\$
TOTAL FEE				\$ 890.00

\_\_\_\_\_ Amendment cancelling extra claims is enclosed.  
\_\_\_\_\_ Amendment deleting multiple dependencies is enclosed.  
\_\_\_\_\_ Fee for extra claims is not being paid at this time.

B. \_\_\_\_\_ Design Application.  
(\$140.00 - 37 C.F.R. Section 1.16(f))

09845722.050101

11. **SMALL ENTITY STATEMENT(S)**

1.27. ☒ This is a filing by a small entity under 37 C.F.R. Sections 1.9 and

Filing Fee Calculation  
(50% of A or B above). \$445.00

12. **FEE PAYMENT BEING MADE AT THIS TIME**

☐ No filing fee is enclosed.

☒ The filing fee is enclosed.

☒ Basic filing fee. \$ 445.00

☐ Recording Assignment.  
(\$40.00; 37 C.F.R. Section 1.21(h)(1)) \$ \_\_\_\_\_

☐ Petition fee for filing by other  
than all the inventors or person  
on behalf of the inventor where  
inventor refused or cannot be  
reached. (\$140.00;  
37 C.F.R. Sections 1.47 and 1.17(h)). \$ \_\_\_\_\_

☐ For Processing an application with a  
specification in non-English language.  
((\$26.00; 37 C.F.R. Sections 1.52(d)  
and 1.17(k)). \$ \_\_\_\_\_

☐ Processing and retention fee.  
(\$100.00; 37 C.F.R. Sections 1.53(d)  
and 1.21(l)). \$ \_\_\_\_\_

TOTAL FEES ENCLOSED \$ 445.00

13. **METHOD OF PAYMENT OF FEES**

☒ Check in the amount of \$ 445.00 is enclosed.

☐ Charge Deposit Account 13-4822 in the amount of \$ \_\_\_\_\_.

14. **AUTHORIZATION TO CHARGE ADDITIONAL FEES**

☒ The Commissioner is hereby authorized to charge all fees required during the entire pendency of this application except the issue fee to Deposit Account 13-4822.

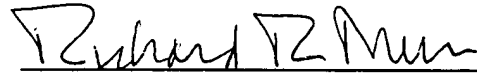
15. **INSTRUCTIONS REGARDING OVERPAYMENT**

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T01050"050401

☒ Credit any overpayment to Deposit Account 13-4822.

☐ Refund.

(A duplicate of this transmittal letter is attached.)



RICHARD R. MUCCINO  
Attorney For Applicant(s)  
Registration Number 32,538

Please forward correspondence to:

Richard R. Muccino  
758 Springfield Avenue  
Summit, New Jersey 07901  
Telephone no. (908) 273-4988  
Fax (908) 273-4679  
Enclosures

09846733-050101

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09646722-050401  
T.O.F.O. 22-94350

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